

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

No. 2:12-md-02323-AB
MDL No. 2323

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*

Civil Action No. 2:14-cv-00029-AB

Plaintiffs,

v.

National Football League and
NFL Properties, LLC,
successor-in-interest to
NFL Properties, Inc.,

Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

OBJECTION TO JUNE 25, 2014 CLASS SETTLEMENT

The undersigned Settlement Class Member hereby objects to the Class Action Settlement Agreement dated as of June 25, 2014 (the "Settlement").

I am a Settlement Class Member because I am a "Retired NFL Football Player" under Settlement terms. I retired before July 7, 2014, from playing for a past/present member club of the National Football League, American Football League, World League of American Football, NFL Europe League, or the NFL Europa League, as follows (teams, leagues, dates): Chicago/St. Louis Cardinals, NFL, 1958-1968

I believe the proposed Class Action Settlement is not fair, reasonable and adequate because: the proposed settlement fails to honor those on whose shoulders the NFL organization stands, namely deceased NFL football players that have suffered from CTE. Dale Meinert, a Pro-Bowl middle linebacker, was known as an outstanding diagnostician and vicious tackler in his ten year career with the St. Louis Cardinals from 1958 to 1968. But most importantly, former teammates, including Larry Wilson a member of the Pro Football Hall of Fame, remember him as a quiet, hard-working, modest, gentle leader. Dale was one of owner Bill Bidwell's favorite players because he was a man of his word. Mr. Bidwell tells the story of off-season salary negotiations with Dale: Mr. Bidwell mailed a \$32,000 contract to Dale's hometown address of Lone Wolf, Oklahoma and never received a signed contract back in the mail. So Mr. Bidwell hiked the contract up by \$2,000 and re-sent. Dale phoned Mr. Bidwell apologizing and stated that the first contract was fair enough, he didn't have to send the second with the salary increase. Dale retired from the NFL in 1968 and returned to his small rural hometown to coach high school football, teach math and farm. But, in 1981 at the age of 48 Dale began experiencing symptoms of CTE and within 6 months was incapable of fulfilling his job duties, nonverbal, suffering from memory loss, aggressive and unable to care for himself. At the time, his children were ages 10 and 15 and wife Carmerita supported the family with her teacher's salary of less than \$20,000. Dale was a hostile, strong former NFL football player with impaired judgment that refused to go to the doctor. He spent his angry days in the chair at home or driving aimlessly. For his family, it was devastating to watch the mental deterioration and frightening to think of what harm he might do to himself or others. When Dale finally visited the local family physician, he was prescribed tranquilizers. In 1986, the family initiated court proceedings to have him committed in order to seek adequate medical care. Dale was transported to St. Anthony Hospital in Oklahoma City,

Oklahoma and for months was put through a battery of tests to determine a medical diagnosis. After ruling out all known causes, the neurologist settled on a diagnosis of dementia, Alzheimer's disease. But, family, doctors and caregivers agreed that dementia was only part of the story and that a long career of toughly played football had taken its toll. At this time, Carmerita contacted the NFL and explained Dale's condition. Carmerita asked if any other retired NFL players were experiencing similar dementia and personality issues and she was given a firm "No" by NFL staff. In addition, Carmerita was told by NFL staff that Dale could not receive disability benefits because she couldn't prove that his dementia was caused by playing football. Furthermore, there were no extra household funds to pay attorney fees necessary to litigate the NFL's refusal to pay football related disability benefits. Dale was later transported to an Oklahoma State Mental Hospital lock down ward several hours from home. The facility was unfortunately the only choice to accommodate a cognitively impaired 6'2" 260 pound physically active male unable to care for himself that would unwittingly walk off the property if not restrained. Later, the family found a nursing home 2 hours from home with a locked Alzheimer's wing. Dale continued to deteriorate in the nursing home for 17 years until his death in 2004. In total, Dale suffered from the debilitating effects of CTE for 23 years as his family grieved and questioned why this happened to such a good person. If not for Carmerita's strong personal financial discipline, the family could have easily been bankrupt by 17 years of nursing home expense and lost spousal wages. Dale's death in 2004 was prior to the inception of the NFL Mackey 88 Plan in 2007 to compensate for the medical costs of dementia; ground-breaking medical research by Dr. Ann McKee in 2009 identifying CTE, and the NFL's admission in 2009 that concussions can lead to later life impairments. As awareness and research regarding CTE expanded, the family considered litigation. But, due to obstacles such as statute

of limitations and a required exhumation of the body for a CTE autopsy diagnoses, the family chose to forego litigation in hopes that a class-action settlement would recognize all that have suffered and provide for medical expense reimbursement. The proposed settlement is ambiguous and unfair regarding players that died prior to January 1, 2006. Players that died prior to 2006 have never received benefits from the NFL Mackey 88 Plan to compensate for the cost of dementia nor had access to sufficient research regarding CTE to litigate the existence, causation and effect on their personal health. The proposed settlement only provides structured benefits to proven cases of dementia within the last 8.5 years. I respectfully ask that the court and settlement parties consider a structured monetary award to reimburse incurred medical expense, even if reduced from the proposed maximum award available under the settlement, for those aged retired players neurologically diagnosed with early onset dementia not caused by normal aging without regard to date of death. The players in the 1960's made so little money compared to the unknown risk of becoming mentally incapacitated at an early age by football related dementia. Nursing home costs for Dale Meinert were approximately \$50,000 annually for 17 years or \$850,000 in addition to lost wages of \$20,000 a year for 17 years or \$340,000 compared to his estimated NFL salary of \$32,000 annually for 10 years or \$320,000. The proposed settlement agreement provides a unique opportunity for the NFL football organization with current annual profits of \$10 billion to recognize and reimburse those who innocently risked their quality of life and mental health to benefit the current NFL dynasty of today.

Date: 10-14-14, 2014

Signature (by hand):

4

Conrad Meinert
Personal representative
of estate of
Dale Meinert

Name (printed): Carmenita Meinert
Address: 721 Pine Circle
Blanchard, OK 73010
Telephone: 405-485-4805
Date of Birth: 12-18-1933

Mail your objection no later than October 14, 2014, by U.S. Mail to:

Clerk of the District Court/NFL Concussion Settlement
U.S. District Court for the Eastern District of Pennsylvania
United States Courthouse
601 Market Street
Philadelphia, PA 19106-179722

DALE MEINERT
Linebacker

This lean, taciturn, rangy veteran has been matchless middle linebacker for the Cardinals since 1960, and has proven himself an outstanding diagnostician and vicious tackler. A 6-3, 225 pound 10-year veteran of professional football he played as an outstanding tackle at Oklahoma State, was drafted by the Colts, and played in Canada in 1955. The next two years were spent in the Air Force and Meinert joined with the Big Red in 1958, playing at the guard position for two years before moving to defense. He was named to the Pro Bowl in 1964 and 1966, being named Most Valuable Defensive Player in 1966. In 1961 he was voted Most Valuable Player by his Big Red teammates. During the off-season he can be found at home in Lone Wolf, Oklahoma, farming between sessions of golf and some hunting. He is married and has one daughter.

*Dale
Meinert*



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